THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.26540 OF 2007

Date: 13.12.2007

Between:

K.Surya Kumari and others

. . .Petitioners

AND

The District Collector, East Godavari,
Kakinada and another

. . .Respondents

THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.26540 OF 2007

ORDER:

This writ petition is filed for a writ of mandamus to declare notification, dated 07.10.2006 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the Act') proposing to acquire the land to an extent of 43 cents and 32 cents in Survey Nos.356/1 and 356/2 respectively of Ontithadi Village, Kajaluru Mandal, East Godavari District, as illegal and arbitrary.

In the affidavit filed in support of the writ petition, the petitioners stated that they are small farmers and in pursuance of the notice issued under Section 5A of the Act, they submitted their objections, which were rejected by respondent No.1 by order, dated 05.01.2007. It is also stated that award was passed on 30.03.2007.

Heard the learned counsel for the petitioners.

A perusal of the record shows that after rejection of the petitioners' objections on 05.01.2007 by respondent No.1, respondent No.2 passed award on 30.03.2007. A reading of the award indicates that the same was passed with the consent of the registered owners of the property, namely, Smt. K.Sudha Rani and Smt. D.Anuradha (petitioners 2 and 3). In the affidavit filed in support of the writ petition, there is no whisper with regard to the same. It is not the case of the petitioners that no consent as mentioned in the award was given by the said two persons.

I am, therefore, of the view that having given the consent for passing the award, it lies ill in the mouth of the petitioners to file the present writ petition questioning the acquisition proceedings.

For the aforementioned reasons, the writ petition is dismissed.

C.V.NAGARJUNA REDDY, J

13th DECEMBER, 2007

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